

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE TUMELE #272052,

Plaintiff,

No. 06-CV-10605-DT

vs.

Hon. Gerald E. Rosen

ROBERT SCOTT CORRECTIONAL
FACILITY, et al.,

Defendants.

_____ /

AMENDED ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on April 13, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On April 8, 2009, the Court entered an Order adopting Magistrate Judge Mona K. Majzoub's March 19, 2009 Report and Recommendation and dismissed Plaintiff's claims against Defendant Darrell Monday, with prejudice. At the time when the Court entered its Order, no timely objections had been filed. However, later in the day on April 8, 2009, Plaintiff filed her Objection.¹ Plaintiff states in her Proof of Service that she placed her

¹ The "Notice of Electronic Filing" of the April 8, 2009 Order shows that the Order was entered at 9:01 a.m. Plaintiff's Objection was filed at 2:14 p.m.

Objection in the mail on April 4, 2009. This would render her objections timely.²

Accordingly, the Court has now considered them.

Having once again reviewed and considered the Magistrate Judge's Report and Recommendation, along with Plaintiff's objections and the Court's entire file of this matter, the Court has concluded that, for the reasons stated by the Magistrate Judge, Defendant Monday's Motion for Summary Judgment should be granted. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation [Dkt. # 106] is adopted by the Court.

IT IS FURTHER ORDERED that Defendant Monday's Motion for Summary Judgment [Dkt. # 100] is GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Monday are DISMISSED, in their entirety, with prejudice.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: April 13, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record

² Under the "prison mailbox rule," a *pro se* prisoner's pleading is deemed filed when it is handed over to prison officials for mailing to the court. *See Brand v. Motley*, 526 F.3d 921, 925 (6th Cir. 2008). Under this relaxed standard, the Court will assume that Plaintiff Tumele timely filed her objections on April 4, 2009 despite the existence of some evidence that it may have been filed later with the Court.

on April 13, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud
Case Manager